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Gerlinde M Nattler  
Continental Teves Inc  
One Continental Drive  
Auburn Hills, MI 48326

EXAMINER

NGUYEN, CHUONG P

ART UNIT PAPER NUMBER

3663

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/525,493

Applicant(s)

MAHLO, RUDIGER

Examiner

Chuong Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/23/05</u> .                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms "qualitative" and "quantitative" in claim 14 are the relative terms which render the claim indefinite. The term "qualitative" and "quantitative" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Therefore, the evaluation of the detected conditions, the anomalies induced by a defect, the typical of a situation in claim 14 have been rendered indefinite by the terms.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 9-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Breed (US Patent No 6,738,697).

Regarding claim 9, Breed clearly discloses a method for monitoring chassis functions and chassis components of a motor vehicle, including the steps of:

- evaluating information provided by at least one of the elements of the group, consisting of control systems mounted in the vehicle and additional sensors,
- performing evaluations relating to vehicle dynamics on the basis of said information with reproducible conditions,
- taking into account the evaluations relating to driving dynamics in order to statistically evaluate specific features which reflect chassis-related conditions, and to subsequently identify defects.

(See Figures 5 & 7; column 10 lines 29-61; column 11 lines 26-67; column 12 lines 1-4)

Regarding claim 10-11, Breed discloses that the signals sent by various sensors (existing or additional) are utilized for detecting and carrying out the evaluations of the vehicle and driving conditions. (column 30 lines 45-54; column 31 lines 24-68; column 32 lines 1-11)

Regarding claim 12, Breed discloses that the “state of the vehicle” means the stability, running, or operation conditions of the vehicle (column 10 lines 29-41).

Regarding claim 13, Breed discloses the detected specific conditions and anomalies induced by a defect and typical of a situation are taken into account when assessing and evaluating the obtained information (column 11 lines 26-67)

With regard to claim 14, it appears inherent that Breed’s invention would be concerned with the predetermined qualitative and quantitative conditions to be met in order for the

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evaluation of the detected conditions and the anomalies induced by a defect and typical of a situation take place as claimed.

Regarding claim 15, Breed discloses that the detected anomalies are accumulated related to features within a statistical program algorithm and considered and evaluated as a whole (column 34 lines 24-67; column 35 lines 1-57).

Regarding claim 16, Breed discloses that when the anomalies are detected, the control system will output a warning display such as a light on the dashboard, which meets the limitations as claimed (column 36 lines 6-13; column 41 lines 9-10)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breed in view of Beck et al. (US Publication No 2002/0107625). As stated above, Breed discloses all the elements of the current invention except for the defined perception threshold. Beck et al. teach in the same field of endeavor that when the sensor signal indicating the defect lies outside a comparative / threshold value, the control system will output a defect message (page 1 paragraph 0010, page 2 paragraph 0015).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Breed by incorporating the teaching of Beck et al. with the threshold value in order to output a warning display once the anomalies have exceeded that threshold value. As

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such results are in no more than the use of conventionally known designs / techniques available within the data processing vehicle / navigation system art

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Osborn et al. discloses the method and apparatus for measuring and accumulating critical automobile warranty statistical data (US Patent No 6,366,199).

Hadeler et al. discloses the vehicle dynamics control system using control variable delivered by means of vehicle model (US Patent No 5,809,444).

Thompson discloses the system and method for obtaining and utilizing maintenance information (US Patent No 6,529,620).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong Nguyen whose telephone number is 571-272-3445. The examiner can normally be reached on 8:00 - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CN



JACK KEITH  
SUPERVISORY PATENT EXAMINER